

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SHANTA GARDEN, individually and as
Parent and Next Friend of her two minor
children,

PLAINTIFF,

v.

BOSTON HOUSING AUTHORITY and
BROMLEY-HEATH TENANT
MANAGEMENT CORPORATION,

DEFENDANTS.

CASE NO. 1:14-cv-10745-NMG

PETITION FOR APPROVAL OF MINOR SETTLEMENT AGREEMENT

Plaintiff, Shanta Garden, individually and as parent and next friend of J [REDACTED] G [REDACTED] and L [REDACTED] H [REDACTED], (“the Plaintiffs”) and the Defendants, Bromley-Heath Tenant Management Corporation and Boston Housing Authority (“the Defendants”) jointly petition the Court, pursuant to Mass. Gen. Laws, ch. 231, § 140 C 1/2, for approval of a settlement that has been reached in this matter, by which Plaintiffs’ claims have been resolved and the Defendant released from any liability. Plaintiffs’ claims, including the claims of minor children, J [REDACTED] G [REDACTED] and L [REDACTED] H [REDACTED], through their parent and next friend, have been settled in good faith for the sum of Twenty-Five Thousand Dollars (\$25,000), and it is in the parties’ best interests that the settlement be formally approved by the Court in accordance with the statute.

Shanta Garden filed this case on behalf of herself, and of her daughter, J [REDACTED] G [REDACTED] and her son, L [REDACTED] H [REDACTED]. J [REDACTED] is currently twelve (12) years old. J [REDACTED] was born on [REDACTED] 2002. L [REDACTED] is currently eight (8) years old. L [REDACTED] was born on [REDACTED] 2006.

The Plaintiffs' Complaint alleges claims against the Defendants for breach of the implied warranty of habitability, interference with quiet enjoyment, breach of contract, retaliation, breach of the implied covenant of good faith and fair dealing, negligence, negligent infliction of emotional distress, intentional infliction of emotion distress, discrimination against an individual with a disability, and deprivation of due process. All of the Plaintiffs' claims arise from the Plaintiffs' tenancy at 279 Centre Street, Apt. 129, Jamaica Plain, Massachusetts 02130 (the "Bromley Apartment"), from 2004 through May 26, 2013. The Bromley Apartment is owned by the Boston Housing Authority. However, the Bromley-Heath Tenant Management Corporation maintenance department was tasked with maintaining the numerous apartments located at the Bromley Heath Complex in Jamaica Plain, Massachusetts, including the Bromley Apartment. These duties include responding to various tenant complaints and general maintenance of the housing complex.

Plaintiff claims that Defendants failed to respond to her complaints concerning various unsanitary, unsafe and defective conditions in the Bromley Apartment. Ms. Garden alleges that she and her minor children suffered damages as a result of Defendants' breach of warranty, negligence and allegedly retaliatory and discriminatory conduct.

The Defendants deny that they breached any warranty, were negligent or acted in a retaliatory or discriminatory manner, and deny that the Plaintiffs suffered any injuries as a result of any conduct attributable to the Defendants. In short, this is a contested matter.

The Plaintiffs believe in good faith that the Defendants are liable for Plaintiffs' injuries. However, the Plaintiffs are also cognizant of the fact that Defendants contest Plaintiffs' version of the events and maintain that Defendants acted reasonably at all times.

Total Settlement Proceeds:	\$ 25,000.00
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\$ 25,000

Payable to Shanta Garden, individually, and as parent and next friend of J [REDACTED] G [REDACTED] and L [REDACTED] H [REDACTED].

The Parties are in agreement that this settlement represents a fair and equitable resolution of the claims asserted, against the Defendants, Bromley-Heath Tenant Management Corporation and Boston Housing Authority, in this litigation. The Parties engaged in lengthy settlement negotiations and were preparing to begin a lengthy round of both fact and expert discovery. In addition, based on Massachusetts case law, the Defendants, if necessary, were prepared to move for summary judgment. Plaintiff, Ms. Garden, has been fully advised of her ability to have this matter heard by a jury and to have a jury determine the extent of their damages. Moreover, the Plaintiff, Ms. Garden, is fully advised that once this claim is settled, neither she, nor her children, J [REDACTED] G [REDACTED] or L [REDACTED] H [REDACTED], will have the opportunity to seek further recovery from the Defendants regarding the known or foreseen injuries and/or property damage resulting from, or in any way related to, their residency at 279 Centre Street, Apt. 129, Jamaica Plain, Massachusetts 02130 (the "Bromley Apartment"), from 2004 through May 26, 2013. The Plaintiffs have had access to the independent professional advice of counsel. In view of the facts and circumstances surrounding this matter and the injuries and damages claimed, all Parties are in agreement and consider this settlement to be fair, reasonable, and in the best interest of Plaintiffs and particularly the minor children, J [REDACTED] and L [REDACTED]. For all of the reasons set forth above, the parties request that the Court formally approve the settlement.

Respectfully submitted,

Shanta Garden, Individually and as
parent and next friend of J [REDACTED] G [REDACTED]
and L [REDACTED] H [REDACTED]

Bromley-Heath Tenant Management, Corp.,

By its Attorneys,

By her Attorneys,

/s/ Matthew McCloskey

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Boston Housing Authority,
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and that paper copies will be sent to those non-registered participants (if any) on March 13, 2015.

/s/ Blake Wong

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